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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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of Minorities
Working Group on Indigenous Populations
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REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS

Information received from United Nations organs, specialized agencies and intergovernmental organizations

Note by the International Labour Office

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Activities of the ILO concerning indigenous and tribal peoples since the last session of the Working Group

1. ILO activity in this field falls into three broad categories: supervision of the implementation of the Indigenous and Tribal Populations Convention, 1957 (No. 107); promotion of the Indigenous and Tribal Peoples Convention, 1989 (No. 169); and technical cooperation activities.

I. Supervision of Convention No. 107

2. Reports were due on 15 October 1990, in the four-year reporting cycle, from all the 27 countries which had ratified Convention No. 107, in order to be submitted to the ILO Committee of Experts on the Application of Conventions and Recommendations at its session in March 1991. The Committee of Experts made observations (comments published in its report) to the Governments of Argentina, Bangladesh, Bolivia, Brazil, Costa Rica, India, Mexico, Panama, Paraguay and Peru. It also made direct requests (which are not published) to Angola, Argentina, Bolivia, Colombia, Costa Rica, El Salvador, India, Iraq, Mexico, Panama, Paraguay, Peru and the Syrian Arab Republic on the application of the Convention. Subsequently, the application of the Convention by Brazil and India was discussed in the Committee on the Application of Standards of the International Labour Conference at its 78th Session (June 1991); reports of these discussions are also attached.

3. It may be expected that some of the cases mentioned above will be discussed again next year, when the information requested has arrived and been examined.

4. Attention should be drawn to two of the countries mentioned here.

5. Brazil has been the object of discussions for some time, in particular in connection with the situation of the Yanomami Indians in the north of the country and the invasion of their territory by garimpeiros (independent gold miners), and with the demarcation of land for an indigenous Reserve. Questions have also been raised about the administration of Indian affairs more generally. An ILO mission visited the country in 1989. It will be seen from the observation that a significant re-examination of the situation has been taking place, and the ILO has been discussing with the Government the possibility of providing technical assistance to help resolve the problems which persist. At the Conference discussion in June 1991, the Government indicated its willingness to request such assistance, and further discussions are under way within the context of the system-wide assistance to be provided following the Secretary-General's letter of February 1991. The Working Group will be kept informed of further developments.

6. India has also been discussed in the Committee of Experts and the Conference Committee on a number of occasions, in relation in particular to the construction of the Narmada Valley hydroelectric system and the consequent displacement of some 60,000 tribal people from their homes. The Committee of Experts noted in 1991 that the Government's continuing efforts to resolve the problems arising in this connection were evident, but that its success in

doing so was less evident. The discussion which took place in the Conference Committee in June 1991 referred to all these points, and highlighted the role of the World Bank as a financing institution in this connection.

II. Promotion of Convention No. 169

7. Since the Working Group's last session, the Indigenous and Tribal Peoples Convention has received its second ratification, by Mexico, and will therefore come into force on 5 September 1991 (one year after the second ratification). Ratification has been authorized by Colombia, and the Office is aware of other countries in which ratification is being examined.

8. The Office has undertaken a number of consultations with Governments and with non-governmental organizations on the scope and implications of Convention No. 169. Workshops have recently been carried out in Mexico and Colombia to assist the Governments to prepare for the Convention's coming into force for their countries; and in Guatemala and Venezuela, involving participants from different ministries responsible for the application of the Convention, as well as representatives of indigenous organizations and some other non-governmental organizations working on this question. The Working Group will be kept informed of further developments.

III. Technical assistance

9. The International Labour Conference adopted, at the same time that it adopted Convention No. 169 in 1989, a Resolution on ILO Action concerning Indigenous and Tribal Peoples. This resolution called upon the ILO to exercise a coordinating role as concerning technical assistance in this area among intergovernmental organizations.

10. In May 1990, as the Working Group was informed last year, the ILO invited a number of other bodies of the United Nations system to an interagency technical consultation on the technical assistance carried out by them in connection with indigenous and tribal peoples. One of the points emerging from this consultation was that, while there is considerable activity by the United Nations system affecting these peoples, there is no coordinated approach within the United Nations system - and certainly not beyond it - to the definitions, criteria, working methods and approaches to be used when financing and carrying out projects affecting these peoples.

11. A similar consultation on a regional basis was called by the ILO in Bangkok in December 1990, and it also met with a very positive response. In addition to the educational function which was so important a part of the first general interagency consultation, the first regional consultation allowed the participants to explore practical programmes of cooperation among themselves, and possible new projects and assistance offered jointly, that none of the agencies would have conceived alone. This meeting will require follow-up, and the ILO has been asked to continue in its coordinating role.

12. The ILO hopes to call a regional consultation of the same kind in Latin America in October 1991, and has already invited other United Nations system agencies to a second general consultation in Geneva in

November-December 1991, where it is proposed to discuss access to land rights and coordinated responses to the International Year proclaimed for 1993.

13. The absence of systematic coordination in this area should be seen also in the light of the heightened attention being given to the subject by a number of institutions both inside and outside the United Nations system. A number of institutions are concentrating their attention more closely on indigenous and tribal peoples, as are a number of Governments. One cause for this may be seen in the increased attention being given to environmental affairs, and to the role of these peoples in protecting and sustaining the environments within which they live. The criteria applied in conceiving and implementing the development projects carried out by different agencies, however, share few points in common when they affect indigenous and tribal peoples. They do not use the same definitions, working methods or basic concepts. This point is not limited to technical cooperation projects affecting indigenous and tribal peoples, of course; it extends also to differences in definitions, approaches and concepts underlying standard-setting, supervisory and promotional activities.

14. It may be that the discussions in the Working Group and in the Sub-Commission concerning planning for the International Year of the World's Indigenous People will allow these points to be addressed more fully.